

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

NINETEENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Wednesday, February 10, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Lt. Gov., Matt Michels, followed by the Pledge of Allegiance led by Senate page Haley Ketteler.

Roll Call: All members present except Sens. Curd and Holien who were excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the eighteenth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 113 and 122 which were deferred to the 41st Legislative Day.

Respectfully submitted,
Mike Vehle, Chair

Also MR. PRESIDENT:

The Committee on Taxation respectfully reports that it has had under consideration HB 1113 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Respectfully submitted,
Jeff Monroe, Chair

Also MR. PRESIDENT:

The Committee on Local Government respectfully reports that it has had under consideration HB 1087 and 1089 and returns the same with the recommendation that said bills do pass and be placed on the consent calendar.

Respectfully submitted,
Bob Ewing, Chair

Also MR. PRESIDENT:

The Committee on State Affairs respectfully reports that it has had under consideration SB 94 which was deferred to the 41st Legislative Day.

Respectfully submitted,
Gary Cammack, Chair

MESSAGES FROM THE HOUSE

MR. PRESIDENT:

I have the honor to transmit herewith HB 1051, 1091, 1112, 1125, 1138, and 1183 which have passed the House and your favorable consideration is respectfully requested.

1 Also MR. PRESIDENT:

2 I have the honor to transmit herewith HCR 1011 which has been adopted by the House and
3 your concurrence is respectfully requested.

4 Respectfully,
5 Arlene Kvislen, Chief Clerk

6 **MOTIONS AND RESOLUTIONS**

7 Sen. Rampelberg moved that the Senate do concur in House amendments to SB 20.

8 The question being on Sen. Rampelberg's motion that the Senate do concur in House
9 amendments to SB 20.

10 And the roll being called:

11 Yeas 32, Nays 0, Excused 3, Absent 0

12 Yeas:

13 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
14 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
15 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
16 Rampelberg; Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

17 Excused:

18 Curd; Holien; Van Gerpen

19 So the motion having received an affirmative vote of a majority of the members-elect, the
20 President declared the motion carried and the amendments were concurred in.

21 HCR 1008: A CONCURRENT RESOLUTION, Urging Congress to support and to ask the
22 United States Secretary of State to approve the Keystone XL Pipeline project.

23 Sen. Jensen moved that the Senate do concur in HCR 1008 as found on page 280 of the
24 House Journal.

25 The question being on Sen. Jensen's motion that HCR 1008 be concurred in.

26 And the roll being called:

27 Yeas 23, Nays 9, Excused 3, Absent 0

1 Yeas:

2 Brown; Cammack; Ewing; Fiegen; Greenfield (Brock); Haggard (Jenna); Haverly; Heineman
3 (Phyllis); Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Peters;
4 Rampelberg; Shorma; Solano; Tidemann; Tieszen; Van Gerpen; Vehle; White

5 Nays:

6 Bradford; Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Parsley; Peterson (Jim); Rusch;
7 Sutton

8 Excused:

9 Curd; Holien; Soholt

10 So the motion having received an affirmative vote of a majority of the members-elect, the
11 President declared the motion carried and HCR 1008 was concurred in.

12 HCR 1011: A CONCURRENT RESOLUTION, Opposing the recent actions of the EPA
13 and the President with regards to the Waters of the United States federal rule and applauding
14 the South Dakota congressional delegates who opposed such actions.

15 Was read the first time, the President waived the referral to committee, and placed
16 HCR 1011 on the calendar of Thursday, February 11th, the 20th legislative day.

17 Sen. Brown moved that SB 107 and HB 1098 be deferred to Thursday, February 11th, the
18 20th legislative day.

19 Which motion prevailed.

20 Sen. Brown moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
21 Thursday, February 11th the 20th legislative day.

22 Which motion prevailed.

23 **CONSIDERATION OF REPORTS OF COMMITTEES**

24 Sen. Brown moved that the reports of the Standing Committees on

25 Education on SB 159 as found on page 257 of the Senate Journal; also

26 Joint Committee on Appropriations on SB 120 as found on page 257 of the Senate Journal
27 be adopted.

28 Which motion prevailed.

1 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

2 HB 1051: FOR AN ACT ENTITLED, An Act to prohibit the use of certain automated sales
3 suppression devices and to provide penalties for their use.

4 Was read the first time and referred to the Committee on Taxation.

5 HB 1091: FOR AN ACT ENTITLED, An Act to establish certain requirements regarding
6 insurance for vehicles used to provide rides for a transportation network company and to exempt
7 vehicles used to provide these rides from certain commercial licensing requirements.

8 Was read the first time and referred to the Committee on Transportation.

9 HB 1112: FOR AN ACT ENTITLED, An Act to establish certain procedures regarding a
10 transgender policy for the purposes of participation in high school activities and to declare void
11 any present transgender policy of any association recognized under chapter 13-36.

12 Was read the first time and referred to the Committee on Education.

13 HB 1125: FOR AN ACT ENTITLED, An Act to limit the ability of a person to obtain a
14 concealed pistol permit related to the restoration of civil rights and to declare an emergency.

15 Was read the first time and referred to the Committee on Judiciary.

16 HB 1138: FOR AN ACT ENTITLED, An Act to revise provisions related to the enhanced
17 permit to carry a concealed pistol.

18 Was read the first time and referred to the Committee on Judiciary.

19 HB 1183: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
20 jurisdiction of magistrate courts to issue protection orders.

21 Was read the first time and referred to the Committee on Judiciary.

22 **SECOND READING OF CONSENT CALENDAR ITEMS**

23 SB 66: FOR AN ACT ENTITLED, An Act to permit the issuance of special license plates
24 to parents of certain individuals

25 Was read the second time.

1 The question being "Shall SB 66 pass as amended?"

2 And the roll being called:

3 Yeas 32, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
6 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
7 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
8 Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

9 Excused:

10 Curd; Holien; Soholt

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 SB 104: FOR AN ACT ENTITLED, An Act to set the time period for when an agency may
14 promulgate rules.

15 Was read the second time.

16 The question being "Shall SB 104 pass as amended?"

17 And the roll being called:

18 Yeas 32, Nays 0, Excused 3, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
21 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
22 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
23 Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

24 Excused:

25 Curd; Holien; Soholt

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 SB 138: FOR AN ACT ENTITLED, An Act to authorize the construction of a nursing
29 home facility in Rosebud, South Dakota.

30 Was read the second time.

1 The question being "Shall SB 138 pass as amended?"

2 And the roll being called:

3 Yeas 32, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
6 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
7 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
8 Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

9 Excused:

10 Curd; Holien; Soholt

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 HB 1011: FOR AN ACT ENTITLED, An Act to repeal certain obsolete and unnecessary
14 statutes concerning game preserves and refuges.

15 Was read the second time.

16 The question being "Shall HB 1011 pass?"

17 And the roll being called:

18 Yeas 32, Nays 0, Excused 3, Absent 0

19 Yeas:

20 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
21 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
22 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
23 Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

24 Excused:

25 Curd; Holien; Soholt

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1031: FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to
29 weights and measures.

30 Was read the second time.

1 The question being "Shall HB 1031 pass as amended?"

2 And the roll being called:

3 Yeas 32, Nays 0, Excused 3, Absent 0

4 Yeas:

5 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
6 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
7 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
8 Rampelberg; Rusch; Shorma; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; White

9 Excused:

10 Curd; Holien; Soholt

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

14 SB 130: FOR AN ACT ENTITLED, An Act to require the processing of sexual assault
15 exam kits.

16 Was read the second time.

17 130rb

18 Sen. Rusch moved that SB 130 be amended as follows:

19 On page 1, after line 10 of the printed bill, insert:

20 "

21 Nothing in this section may be construed as creating a defense for a defendant in any sexual
22 assault case.".

23 Which motion prevailed.

24 The question being "Shall SB 130 pass as amended?"

25 And the roll being called:

26 Yeas 33, Nays 0, Excused 2, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
3 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
4 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
5 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
6 White

7 Excused:

8 Curd; Holien

9 So the bill having received an affirmative vote of a majority of the members-elect, the
10 President declared the bill passed and the title was agreed to.

11 **SECOND READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

12 HB 1084: FOR AN ACT ENTITLED, An Act to define when concurrent employment may
13 be used to calculate earnings in workers' compensation cases.

14 Was read the second time.

15 The question being "Shall HB 1084 pass as amended?"

16 And the roll being called:

17 Yeas 33, Nays 0, Excused 2, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Ewing; Fiegen; Frerichs; Greenfield (Brock);
20 Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Hunhoff (Bernie); Jensen (Phil);
21 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
22 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle;
23 White

24 Excused:

25 Curd; Holien

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

SIGNING OF BILLS

The President publicly read the title to

HB 1036: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning campaign finance requirements.

HB 1037: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning petitions for initiated constitutional amendments, initiated measures, and candidates.

HB 1058: FOR AN ACT ENTITLED, An Act to revise the procedure for recovery of abandoned mineral interests.

And signed the same in the presence of the Senate.

Sen. Heinert moved that the Senate do now adjourn, which motion prevailed and at 3:07 p.m. the Senate adjourned.

Kay Johnson, Secretary